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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,492	12/10/2003	Anton Weiss	1140668-0059 CON	7680

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EXAMINER	
KOSOWSKI, ALEXANDER J	

ART UNIT	PAPER NUMBER
2125	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,492	WEISS, ANTON	
	Examiner	Art Unit	
	Alexander J. Kosowski	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,12,35-37,40-44,53 and 54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,12,35-37,40-44,53 and 54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1) Claims 1-8, 12, 35-37, 40-44 and 53-54 are presented for examination in light of the amendment filed 2/27/06. This is a second non-final rejection.

Claim Rejections - 35 USC § 102

2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3) Claims 36, and 40-41 are rejected under 35 U.S.C. 102(b) as being unpatentable by Mistr, Jr. (U.S. Pat 5,794,212).

Referring to claim 36, Mistr discloses a system for planning energy supply for energy consumers, said system comprising a first sub-system operatively associated with an energy supplier having a plurality of energy sources and a plurality of second sub-systems, each of said second sub-systems being operatively associated with a corresponding one of said energy sources (col. 3 lines 9-33), and a communication network between said first sub-system and said second sub-systems (col. 3 lines 24-29 and col. 7 lines 20-33), wherein each of said first and second sub-systems includes an interface for exchanging energy planning information between said sub-systems and for negotiating an energy supply specification for said energy consumers (col. 3 lines 42-63).

Referring to claim 40, Mistr discloses an energy planning system for planning energy supply from a plurality of energy suppliers for energy consumers, said system comprising a communication interface to said energy suppliers with a processor operatively associated with

said communication interface (col. 3 lines 24-29 and col. 7 lines 20-33), a first routine executed by said processor for exchanging energy planning information through said communication interface between said processor and said energy suppliers and a second routine executed by said processor for negotiating an energy supply specification from said energy supplier to said energy consumers (col. 3 lines 24-29 and 42-63).

Referring to claim 41, Mistr discloses that said first routine exchanges at least two messages between said processor and a corresponding one of said energy suppliers, said messages being related to said negotiated energy supply specification (col. 8 lines 51-67 whereby a request is a first message and sending information is a second message).

Claim Rejections - 35 USC § 103

4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5) Claims 1, 3-8, 12, 35, 42-44 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mistr, Jr., further in view of Gaus et al (U.S. Pat 6,343,277).

Referring to claim 1, Mistr discloses a system for planning energy supply for energy consumers, said system comprising a first sub-system operatively associated with energy consumers and a second sub-system operatively associated with at least one energy supplier (col. 3 lines 23-33), and a communication network between said first sub-system and said second sub-

system (col. 3 lines 24-29 and col. 7 lines 20-33), wherein each of said first and second sub-systems includes an interface for exchanging energy planning information between said sub-systems and for negotiating an energy supply specification from said at least one energy supplier to said energy consumers (col. 3 lines 42-63). However, Mistr does not explicitly teach that the first sub-system is operatively associated with at least one energy coordinating body.

Gaus teaches a system for planning energy supplies whereby a computer network system facilitates the agreement process between energy consumers and energy suppliers (col. 1 lines 60-65) and whereby consumers may include energy suppliers, brokers, or distributors (col. 3 lines 23-32, whereby brokers are considered energy coordinating body's according to applicant's current specification).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to operatively associate a first sub-system with at least one energy coordinating body in the invention taught by Mistr since this would facilitate the agreement process between energy consumers and energy suppliers in which energy volumes are aggregated for one or more consumers for bulk purchasing (Gaus, col. 2 lines 23-26), which would reduce costs for energy consumers compared to traditional systems of energy contract formation (Gaus, col. 2 lines 45-48).

Referring to claims 3-4, Mistr discloses that said communication network is a global communication network and that it may be the Internet (col. 7 lines 20-33).

Referring to claim 5, Mistr discloses the above. However, Mistr does not explicitly teach that at least one energy coordinating body is an energy management system.

Gaus teaches that consumers may include energy suppliers, brokers, or distributors (col. 3 lines 23-32, whereby brokers are considered energy management systems according to applicant's current specification).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have at least one energy coordinating body be an energy management system in the invention taught by Mistr since this would facilitate the agreement process between energy consumers and energy suppliers in which energy volumes are aggregated for one or more consumers for bulk purchasing (Gaus, col. 2 lines 23-26), which would reduce costs for energy consumers compared to traditional systems of energy contract formation (Gaus, col. 2 lines 45-48).

Referring to claim 6, Mistr discloses that at least one energy supplier is a power plant (col. 3 lines 10-12, whereby an energy provider may be a power plant).

Referring to claim 7, Mistr discloses that each of said first and second sub-systems includes a processor and wherein the interface of each of said first and second sub-systems provides communications between said processors for automated optimization of energy supply planning (col. 3 lines 24-33 and col. 5 lines 59-63).

Referring to claim 8, Mistr discloses that each of said interfaces exchanges at least two messages between said first and second sub-systems, said messages being related to negotiation of an energy supply specification from said at least one energy supplier for said energy consumers (col. 8 lines 51-67 whereby a request is a first message and sending information is a second message).

Referring to claim 12, Mistr discloses that said energy supply specification includes a plurality of energy supply sub-specifications (col. 8 lines 55-60, whereby specific types of energy information are requested).

Referring to claim 35, Mistr discloses a system for planning energy supply for energy consumers, said system comprising a first sub-system operatively associated with an energy consumer and a plurality of second sub-systems being operatively associated with a corresponding second energy consumer or supplier (col. 3 lines 9-33), and a communication network between said first sub-system and said second sub-systems (col. 3 lines 24-29 and col. 7 lines 20-33), wherein each of said first and second sub-systems includes an interface for exchanging energy planning information between said sub-systems and for negotiating an energy supply specification for said energy consumers (col. 3 lines 42-63). However, Mistr does not explicitly teach that said first and second sub-systems are associated with first and second energy management systems.

Gaus teaches a system for planning energy supplies whereby a computer network system facilitates the agreement process between multiple consumers and suppliers of energy (col. 1 lines 60-65) and whereby consumers may include multiple energy suppliers, brokers, or distributors (col. 3 lines 23-32, whereby brokers are considered energy management systems according to applicant's current specification).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to operatively associate a first and second sub-system with an energy management system in the invention taught by Mistr since this would facilitate the agreement process between energy consumers and energy suppliers in which energy volumes are aggregated for one or more

consumers for bulk purchasing (Gaus, col. 2 lines 23-26), which would reduce costs for energy consumers compared to traditional systems of energy contract formation (Gaus, col. 2 lines 45-48).

Referring to claim 42, Mistr discloses an energy planning interface for use in planning energy supply from an energy supplier for energy consumers, said interface comprising a communication interface to a plurality of users with a processor operatively associated with said communication interface (col. 3 lines 24-29 and col. 7 lines 20-33), a first routine executed by said processor for exchanging energy planning information through said communication interface between said processor and said users and a second routine executed by said processor for negotiating an energy supply specification from said energy supplier to said energy consumers (col. 3 lines 24-29 and 42-63, whereby negotiations would include decisions on power requirements and specifications of suppliers). However, Mistr does not explicitly teach that the communication interface is coupled to an energy management system nor that energy planning information is exchanged between the processor and the energy management system.

Gaus teaches a system for planning energy supplies whereby a computer network system facilitates the agreement process between energy consumers and energy suppliers (col. 1 lines 60-65) and whereby consumers may include energy suppliers, brokers, or distributors (col. 3 lines 23-32, whereby brokers are considered energy management systems according to applicant's current specification).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize a communication interface coupled to an energy management system and to exchange planning information between the process and energy management system in the

invention taught by Mistr since this would facilitate the agreement process between energy consumers and energy suppliers in which energy volumes are aggregated for one or more consumers for bulk purchasing (Gaus, col. 2 lines 23-26), which would reduce costs for energy consumers compared to traditional systems of energy contract formation (Gaus, col. 2 lines 45-48).

Referring to claim 43, Mistr discloses that said first routine exchanges at least two messages between said processor and said energy management system, said messages being related to said negotiated energy supply specification (col. 8 lines 51-67 whereby a request is a first message and sending information is a second message).

Referring to claim 44, Mistr discloses a method of planning energy supply, said method comprising the steps of employing a plurality of energy consumers and employing at least one energy supplier (col. 3 lines 23-33), receiving and coordinating requests for energy (col. 3 lines 24-29 and col. 7 lines 20-33), exchanging energy planning information related to said requests for energy between said consumers and said at least one energy supplier and negotiating an energy supply specification responsive to said requests for energy from said at least one energy supplier (col. 3 lines 42-63). However, Mistr does not explicitly teach employing an energy coordinating body nor receiving requests for energy at said energy coordinating body.

Gaus teaches a system for planning energy supplies whereby a computer network system facilitates the agreement process between energy consumers and energy suppliers (col. 1 lines 60-65) and whereby consumers may include energy suppliers, brokers, or distributors (col. 3 lines 23-32, whereby brokers are considered energy coordinating body's according to applicant's current specification).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to employ an energy coordinating body and receive requests for energy at said energy coordinating body in the invention taught by Mistr since this would facilitate the agreement process between energy consumers and energy suppliers in which energy volumes are aggregated for one or more consumers for bulk purchasing (Gaus, col. 2 lines 23-26), which would reduce costs for energy consumers compared to traditional systems of energy contract formation (Gaus, col. 2 lines 45-48).

Referring to claim 53, Mistr discloses a method of planning energy supply, said method comprising the steps of employing a plurality of energy consumers and employing at least one energy supplier (col. 3 lines 23-33), receiving requests for energy from a communication network (col. 3 lines 24-29 and col. 7 lines 20-33), employing a global communication network to exchange energy planning information related to said requests for energy between said the consumers and said at least one energy supplier and employing a communication network to negotiate an energy supply specification from said at least one energy supplier and responsive to said requests for energy (col. 3 lines 42-63 and col. 7 lines 20-33). However, Mistr does not explicitly teach employing an energy coordinating body, nor receiving requests for energy at said energy coordinating body.

Gaus teaches a system for planning energy supplies whereby a computer network system facilitates the agreement process between energy consumers and energy suppliers (col. 1 lines 60-65) and whereby consumers may include energy suppliers, brokers, or distributors (col. 3 lines 23-32, whereby brokers are considered energy coordinating body's according to applicant's current specification).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to employ an energy coordinating body and receive requests for energy at said energy coordinating body in the invention taught by Mistr since this would facilitate the agreement process between energy consumers and energy suppliers in which energy volumes are aggregated for one or more consumers for bulk purchasing (Gaus, col. 2 lines 23-26), which would reduce costs for energy consumers compared to traditional systems of energy contract formation (Gaus, col. 2 lines 45-48).

Referring to claim 54, Mistr discloses that the Internet may be employed as said global communication network (col. 7 lines 20-33).

6) Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mistr, further in view of Gaus, further in view of Robinson et al (Development of the Intercontrol Center Communications Protocol).

Referring to claim 2, Mistr and Gaus disclose the system shown above. Mistr also discloses that a global communication network may exist (col. 7 lines 20-33). However, they do not explicitly teach the use of a first and second ICCP server associated with sub-systems.

Robinson teaches the use of ICCP servers in a energy supply and planning system (Page 451, section IV, first paragraph and page 453, Figure 2).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize ICCP servers associated with sub-systems in the invention shown above since ICCP is easier to implement and maintain than other protocols (Robinson, Page 451, section IV, paragraph 4).

7) Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mistr as shown above, further in view of Edelman et al (U.S. Pat 6,281,601).

Referring to claim 37, Mistr discloses the system shown above. However, Mistr does not explicitly teach that said energy supplier is a power plant having a plurality of turbo sets, wherein said energy sources are the turbo sets of said power plant.

Edelman teaches a power control system whereby a turbogenerator is used as an energy source (col. 1 lines 44-48).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize a plurality of turbo sets in the system shown by Mistr as energy sources since turbogenerators are well known as an available power source in a power supply system (col. 1 lines 6-7).

Response to Arguments

8) Referring to applicant's arguments regarding claims 1-8, 12, 35, 42-44 and 53-54, the arguments are moot in view of the new rejection above.

Referring to claim 36, applicant argues that Mistr, Jr. does not "disclose or suggest an energy supplier having a plurality of energy sources and a plurality of second subsystems associated with the energy sources." Examiner notes that col. 3 lines 9-33 of Mistr teach that energy suppliers may submit data regarding all of their facilities and the associated electrical characteristics, and col. 7 lines 34-51 teach that several different transmission sources may deliver the requested power. Examiner notes that suppliers may therefore have a plurality of energy sources.

Referring to claim 41, applicant argues that Mistr, Jr. does not "anticipate negotiating an energy supply specification". Examiner notes that the negotiation process in Mistr revolves around suppliers matching their electrical characteristics (col. 3 lines 9-33) with a consumers requirements for power (col. 7 lines 34-67). Therefore, Examiner notes that not only is an amount of power being negotiated, but the specifications of that power as well.

Conclusion

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander J Kosowski whose telephone number is 571-272-3744. The examiner can normally be reached on Monday through Friday, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. In addition, the examiner's RightFAX number is 571-273-3744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Alexander J. Kosowski
Patent Examiner
Art Unit 2125